

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ MAR 21 2012 ★

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March 21, 2012

**VIA ECF**

The Honorable Ramon E. Reyes, Jr.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**RE: Lowenbein v. Valentine  
11 CV 1255 (JG) (RER)**

Dear Magistrate Judge Reyes:

I represent the plaintiff in the above matter. Since filing the application for default, and upon conferring with my client, I wish to move to vacate the application for default and file an amended complaint with an additional cause of action. I realize that some time has passed, and that I have learned recently that unlike some prior matters, Courts have expected me to continue with the process to default judgment as opposed to the Courts directing the plaintiff concerning further proceedings.

In addition, I have noticed that the defendant has been named with LLC but it is actually a corporation. Therefore, plaintiff requests the opportunity to vacate and amend for that reason as well.

Finally, as I will be out of the country from March 26 until April 17, and while I do intend to try to continue with the practice of law during as much of the time as possible, I would respectfully request until April 30, 2012 to file a motion to vacate the default application and propose an amended complaint.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

/s/  
Adam J. Fishbein

*Entry of default is vacated. Complaint must be amended and properly served by April 30, 2012. Failure to abide by this order may result in dismissal with prejudice.*

The application is ☒ granted in part ☐ denied.

s/ RER

**Ramon E. Reyes, Jr., U.S.M.J.**  
Dated: 3/21/12  
Brooklyn, New York